IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT APPEAL NO : 886 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/02/2004 in WP NO : 17599 OF 2003 on the file of the High Court.)

Between:
Andhra Pradesh Housing Board rep., by its Vice Chairman & Housing Commissioner,
Gruhakalpa, M.J.Road, Hyderabad.

..... APPELLANT

AND

1 Dr.Shakuntala Murty, w/o J.Sudarshanam,
r/o 2-2-1164/2/A, New Nallakunta, Hyderabad-44.
2 Dr.P.Prameela, w/o K.Abraham Lincoln,
r/o H.No.11-7-632/8, Jamistanpura, Hyderabad-48.
3 Dr.R.Radha, w/o S.Rajagopal,
r/o 3-4-526/40, Narayanaguda, Hyderabad.
4 D.Ramanujacharyulu, s/o D.Swamy,
r/o Quarter No.E-12, IDPL Colony, Balanagar Town Ship,
Hyderabad-500 035
5 State of Andhra Pradesh rep., by Secretary, Housing Department,
Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.J.PRABHAKAR

Counsel for the Respondents: MR.V.JOGAIAH SARMA for

Respodnents 1 to 4.
Govt. Pleader for Municipal

Administration & Urban Development.
Govt. Pleader for Housing.

The Court Made the Following :

ORAL JUDGMENT: (per The Honourable Sri Devinder Gupta, the Chief Justice)

Learned Single Judge disposed of the Writ Petition of the respondents on the ground that similar questions were decided in batch of Writ Petitions, namely, W.P.No. 14424 of 1995 and batch.

We have heard the learned counsel for parties and gone through the record.

As a matter of fact, Writ Petition No. 14424 of 1995 and batch was filed in the year 1995 and 1996, which was disposed of on 4.4.2003, by almost a consent order, making it clear that the order is confined to the writ petitioners only, who had approached the Court, and, the same cannot be treated as precedent. After four months of the disposal of the said batch, the respondents herein filed Writ Petition No.17599 of 2003 claiming the similar benefit. The said Writ Petition could not have been disposed of by placing reliance upon the concessions, if any, allowed to the writ petitioners in W.P. No. 14424 of 1995 and batch. It ought to have been disposed of independently as to whether the writ petitioners were entitled to any benefit to the payment of penal interest etc., which aspect has not been examined by the learned Single Judge. Writ Appeal, therefore, is allowed, and, the impugned order is set aside with direction that Writ Petition shall be disposed of on merits, in accordance with law. No costs.

DEPUTY REGISTRAR

// TRUE COPY//

SECTION OFFICER

VR.

To
1.Andhra Pradesh Housing Board rep., by its Vice Chairman & Housing Commissioner,
Gruhakalpa, M.J.Road, Hyderabad.

2.Secretary, Housing Department,
Secretariat Buildings, Hyderabad.

3.Two ccs to The Govt. Pleader, Municipal Admn. & Urban Development,
High Court Bldgs., Hyderabad, on payment of usual charges.

4. Two ccs to the Govt. Pleader, Housing, High Court Bldgs., Hyderabad on payment of usual charges.
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